

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

RAYMOND JOSEPH ZBYLUT,

Plaintiff,

V.

CITY OF OMAHA, et al.,

Defendants.

CASE NO. 8:10CV60

MEMORANDUM AND ORDER

This matter is before the court on its own motion. On April 30, 2010, the court granted Plaintiff leave to amend his Complaint in order to state a claim upon which relief can be granted against Defendants. (Filing No. [6](#).) Thereafter, Plaintiff filed an Amended Complaint. (Filing No. [7](#).) After reviewing the Amended Complaint, the court finds that Plaintiff has complied with its April 30, 2010, Memorandum and Order, and that service on Defendants is now warranted.

IT IS THEREFORE ORDERED that:

1. The Clerk of the court is directed to send three summons forms and three USM-285 forms to Plaintiff, together with a copy of this Memorandum and Order. Plaintiff must, as soon as possible, complete the forms and send the completed forms back to the Clerk of the court. In the absence of the forms, service of process cannot occur;
2. Upon receipt of the completed forms, the Clerk of the court will sign the summons forms and forward them and a copy of the Amended Complaint to the United States Marshal for service of process. The Marshal will serve the summons and Amended Complaint without payment of costs or fees. Service may be by certified mail pursuant to [Federal Rule of Civil Procedure 4](#) and Nebraska law, in the discretion of the Marshal. The Clerk of the court will provide the copy of the Amended Complaint, and Plaintiff need not do so;
3. [Federal Rule of Civil Procedure 4](#) requires service of the complaint on a defendant within 120 days of filing the complaint. However, because Plaintiff is informed of these requirements for the first time in this order, Plaintiff is granted, on the court's own motion, an extension of time until 120 days from the date of this order to complete service of process;

4. Plaintiff is hereby notified that failure to obtain service of process on a defendant within 120 days of the date of this order may result in dismissal of this matter without further notice as to such defendant. A defendant has 20 days after receipt of the summons to answer or otherwise respond to a complaint;
5. The Clerk of Court is directed to set a pro se case management deadline in this case with the following text: "November 29, 2010: Check for completion of service of summons;" and
6. The parties are bound by the Federal Rules of Civil Procedure and by the Local Rules of this court. Plaintiff must keep the court informed of his current address at all times while this case is pending. Failure to do so may result in dismissal.

DATED this 30th day of July, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.